

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

Case 07-CA-135980

**LOCAL 531, AMERICAN POSTAL WORKERS
UNION (APWU), AFL-CIO**

DECISION AND ORDER

Statement of the Case

On March 31, 2015, the United States Postal Service (the Respondent), Local 531, American Postal Workers Union (the Charging Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.¹

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

¹ Members Hirozawa and McFerran note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003); and *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

Member Johnson would not approve the part of the order requiring the Respondent to cease and desist and to affirmatively bargain with "any other labor organization" because that asserted violation was not alleged as a part of this case.

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in performing that function, including a facility located at 1801 Garfield Road N., Traverse City, Michigan.

The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act, 39 U.S.C. Section 101 et. seq.

2. The labor organizations involved

The American Postal Workers Union, AFL-CIO (the National Union) and the Charging Union are labor organizations within the meaning of Section 2(5) of the Act.

3. The appropriate unit

The employees of the Respondent described in Article I (Union Recognition) of the collective-bargaining agreement between the Respondent and the National Union described below in paragraph 2 (the unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

At all material times, the Respondent has recognized the National Union as the exclusive collective-bargaining representative of the unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective by its terms from November 21, 2010, through May 20, 2015.

At all material times, the National Union has been the exclusive collective-bargaining representative of the unit within the meaning of Section 9(a) of the Act.

At all material times, the Charging Union has been the designated servicing representative of the National Union for employees in the unit employed at the Respondent's facility in Traverse City, Michigan, which is the Processing and Distribution Facility (P&DF) located at 1801 Garfield Road N., Traverse City, Michigan.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Traverse City, Michigan, its officers, agents, successors, and assigns, shall

1. Cease and desist from:

(a) Unreasonably delaying in furnishing the Charging Union with relevant requested information, or in any like or related manner, interfering with, restraining, or coercing its employees in the exercise of rights guaranteed in Section 7 of the Act.

(b) Unreasonably delaying in furnishing the Charging Union with relevant requested information, or in any like or related manner, refusing to bargain collectively and in good faith with the Charging Union as the servicing agent of the exclusive collective-bargaining representative of the unit or any other labor organization at the Respondent's facility located at 1801 Garfield Road N., Traverse City, Michigan.

2. Take the following affirmative action:

(a) Upon request, bargain collectively and in good faith with the Charging Union as the servicing representative of the exclusive collective-bargaining representative for employees in the unit or any other labor organization at the Respondent's facility located at 1801 Garfield Road N., Traverse City, Michigan.

(b) Within 14 days of service by the Region, post copies of the attached notice marked Appendix A at the Respondent's facility located at 1801 Garfield Road N., Traverse City, Michigan. Copies of the notice, on forms provided by Region 7, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.

(g) Within 21 days after service of this order by the Region, file with the Regional Director for Region 7 a sworn certification by a responsible Respondent official attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., July 1, 2015.

Kent Y. Hirozawa, Member

Harry I. Johnson, III, Member

Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT OF ANY APPROPRIATE
UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose a representative to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

The following of our employees are represented by Local 531, American Postal Workers Union (APWU), AFL-CIO (Union) as the servicing representative of the exclusive collective-bargaining representative of our employees in the following appropriate unit at our Traverse City, Michigan facility located at 1801 Garfield Road N., Traverse City, Michigan:

All employees in the bargaining unit for which the American Postal Workers Union (APWU), AFL-CIO, has been recognized and certified at the national level, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 91-375, Section 1201(2), all Postal Inspection Service Employees, employees in the supplemental work force as defined in Article 7, Rural Letter Carriers, Mail Handlers, and Letter carriers.

WE WILL NOT refuse to bargain collectively and in good faith with the Union as the servicing representative of the unit, or any other labor organization at our facility located at 1801 Garfield Road N., Traverse City, Michigan.

WE WILL NOT unreasonably delay providing necessary and relevant information requested by the Union to perform its responsibilities as the representative of the exclusive collective-bargaining representative of our employees in the unit or any other labor organization at our facility located at 1801 Garfield Road N., Traverse City, Michigan.

WE WILL NOT in any other like or related manner interfere with your rights under Section 7 of the Act.

WE WILL NOT in any other like or related manner fail and refuse to bargain collectively and in good faith with the Union as the servicing representative of the exclusive collective-bargaining representative of our employees in the unit or any other labor organization at our facility located at 1801 Garfield Road N., Traverse City, Michigan.

WE WILL, upon request, bargain collectively and in good faith with the Union as the servicing representative of the exclusive collective-bargaining representative of our employees in the unit or any other labor organization at our facility located at 1801 Garfield Road N., Traverse City, Michigan.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlr.gov/case/07-CA-135980 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

